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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**18-CV-01804**  
MSP

MARK PHILLIPS,

Plaintiff,

v.

JOYCE PRIMM SCHWIECKERT,  
JENNIFER PAIGE SCHWIECKERT,  
THOMAS JEFFREY KEANE, KEANE  
LAW OFFICES and Does 1-5,

Defendants.

Case Number:

**COMPLAINT**

1. Computer Fraud and Abuse Act (18 U.S.C. §1030 *et seq.*);
2. Conversion; and
3. Trespass to Chattels.

**JURY DEMAND**

Plaintiff Mark Phillips ("Mark") files this Complaint against Joyce Primm Schweickert ("Joyce"), Jennifer Paige Schweickert ("Jennifer"), T. Jeffrey Keane ("Jeff"), KEANE LAW OFFICES ("Keane Law") and Does 1-5 (collectively, "Defendants") and, upon information and belief, alleges as follows:

**INTRODUCTION**

1. This case concerns several individuals who wrongfully accessed computers and computing devices belonging to plaintiff, formerly engaged in

**Complaint— 1**

**MARK PHILLIPS**

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1 developing highly sensitive and confidential technology applications used in interstate  
2 commerce, including cryptography for the music and entertainment industries.  
3 Respondent's data comprised almost exclusively of the following: source code for  
4 protecting digital media content, corporate and personal accounting information,  
5 attorney-client privileged documents, litigation strategy documents, personal  
6 identification, HIPPA related medical files, and trade secrets.

7       2. The defendants were motivated variously by vindictiveness, ego,  
8 pettiness, bullying tactics, an attorney's desire to gain an unfair negotiating advantage  
9 for his client in a divorce proceeding and his desire to show-off to a wealthy client the  
10 lengths he will go to appease her whims. With their different motivations but common  
11 tactic, the defendants at various times broke into plaintiff's computers, embedded  
12 internet devices, and hard drives, and/or ordered such trespasses, installed spyware,  
13 stole plaintiff's confidential data, interfered with plaintiff's access to his own computers  
14 and data, and used the stolen data to cause harm to plaintiff and thus violate the federal  
15 Computer Fraud and Abuse Act.

## 16 17 THE PARTIES

18       3. Plaintiff Mark Phillips is an individual and as the date of the filing of this  
19 complaint is married to Jennifer Schweickert. Plaintiff and defendant Jennifer filed for  
20 divorce on March 5, 2018. Defendant Joyce, defendant Jennifer's mother hired longtime  
21 family attorney defendant T. Jeff Keane and his law office to represent her. Plaintiff  
22 resides in King County, Washington.

23       4. Defendant Joyce Primm Schweickert is the mother-in-law of Plaintiff,  
24 mother of defendant Jennifer, financier of the divorce proceedings with her longtime  
25  
26

1 family attorney defendant Jeff Keane, and at all times material hereto was a resident of  
2 King County, Washington.

3 5. Defendant Jennifer Paige Schweickert was at all times material hereto a  
4 resident of King County, Washington.

5 6. Defendant attorney T. Jeffrey Keane was all times material hereto a  
6 resident of King County, Washington.

7 7. Defendant Keane Law Offices is a private law office owned by principal  
8 and defendant T. Jeffrey Keane and is located 100 NE Northlake Way #200, Seattle WA  
9 98105.

10 8. Does 1-5 are individuals who acted in concert with the named defendants  
11 in illegally accessing, interfering with, misappropriating and/or damaging plaintiff's  
12 computers.

13  
14 **JURISDICTION AND VENUE**

15 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1331.

16 10. This Court has supplemental jurisdiction over the state law claims  
17 pursuant to 28 U.S.C. §1367, as they form part of the same case or controversy as the  
18 federal Computer Fraud and Abuse Act claim.

19 11. This Court has personal jurisdiction over all defendants because each  
20 defendant conducts business activities in this jurisdiction and has caused harm to  
21 plaintiff in this jurisdiction.

22 12. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and (c)  
23 because, *inter alia*, Defendants have substantial contacts with and/or may be found in  
24 this district; many of the events giving rise to this lawsuit have arisen and continue to  
25

1 occur in this district; and defendants have committed the majority of their alleged  
2 tortious acts in this district.

### 3 FACTUAL ALLEGATIONS

4 13. On October 25, 2012, Mark and Jennifer began a long-distance romantic  
5 relationship, in part facilitated by Joyce, defendant's mother. Mark and Jennifer bonded  
6 over the shocking behavior by Joyce and Jeff aggressively bullying and humiliating her  
7 ex-live-in "husband," Steve Schweickert. Steve had recently been discovered to have  
8 led a decade-long secret life in online dating.

9 14. Joyce having been humiliated by Steve turned to Jeff and instructed him  
10 to destroy Steve "legally." Steve had sued Joyce claiming that they had formed a  
11 meritorious relationship entitling him to a million dollars. Opportunistic attorney Jeff  
12 auspiciously agreed to "defend" Joyce, keenly aware of his client's ability to settle, but  
13 not until he had exhausted all the legal "procedures" and investigations afforded by the  
14 process leading up to trial. Jeff would later brag that he "pushed Steve around." Joyce,  
15 in part, a willing dupe, would later admit she enjoyed harassing Steve and his new love  
16 interest.

17 15. During this litigation, Joyce financed, facilitated and ordered the full  
18 investigation of Steve, the women he was involved with, and authorized the mining of  
19 all his computers, files, and accounts. Jeff discovered many emails with other women  
20 that Joyce previously knew nothing about and uncovered a particularly salacious hand-  
21 made collage of nude professionally taken digital images of Jennifer. Jeff provided  
22 Joyce with these voluminous nude pictures of Jennifer in printed form which Joyce  
23 would show to various people from time to time. The mining of Steve's computers was  
24 instrumental in the harassment and embarrassment of Steve enabling Jeff the leverage  
25  
26

1 he needed to settle the case for \$60,000. In short, Joyce and Jeff have employed this  
2 hacking tactic successfully in 2013 and are now again employing it against plaintiff.

3 16. Jeff would use the aforementioned hacked emails, and facts in pleadings  
4 to Joyce's delight. Jeff would often brag that Joyce had "infinite" amounts of money to  
5 litigate, a claim he made to plaintiff numerous times and to attorneys of opposing or  
6 adjacent litigation in which Joyce would claim an interest. On some other occasions, Jeff  
7 would caution those that would pursue claims against Joyce, citing the same "infinite  
8 resources."

9 17. During plaintiff's time as a family member of the Schweickert household,  
10 he witnessed firsthand how Jeff postured and duped Joyce, a routine pointed out by  
11 Jennifer. Ironically, Joyce and Jennifer complained constantly of the exorbitant fees  
12 charged by Jeff while admitting that he managed them by instilling fear.

13 18. Emblematic of Jeff's employing similar computer hacking tactics to  
14 successfully gain an unfair advantage can be found in Schweickert vs. Schweickert Case  
15 No. 11-3-07507-2 SEA at King County Superior Court:

16 "An investigation which included forensic examination of various computer  
17 hard drives has revealed at least partial evidence of the actual activity of Stephen  
18 Schweickert during the 2003 time frame. During that time Stephen--acting as a  
19 'computer helper' to Joyce's adult daughter Jennifer--worked on Jennifer's home  
20 computer in Los Angeles. During his 'work,' he located nude pictures of Jennifer  
21 which Jennifer had stored on her computer. Without telling anyone, Stephen  
22 removed those nude pictures (approximately 300 pictures in total) and placed  
23 them on his computer. He later moved the pictures to the hard drive of a later  
24 version computer he had purchased using Joyce's funds. He even created a  
25 pornographic 'collage' of photos of other nude females into which he placed  
26 some of the nude pictures of Jennifer. It is difficult to reconcile Stephen's claim of  
27 a 'commitment' to Joyce when one is made aware of these kinds of activity, only  
28 some of which could be detected since Stephen was generally scrupulous about  
scrubbing and deleting material from his computers. **These images were**



1       **obtained using forensic experts since they were carefully secreted on Stephen's**  
2       **computer such that a normal user could not locate them. See, generally,**  
3       **Declaration of Shane Babbitt, Ex. C, forensic computer consultant.”<sup>1</sup>**

4       **19.**     In this litigation, defendants deposed plaintiff on October 28, 2012 as a  
5       friendly witness. Plaintiff shared yet even more revelations, which culminated, at one-  
6       point, to Joyce bursting into tears and crying on the shoulder of plaintiff. Jeff would  
7       later state that plaintiff was a “good guy” and “upfront and honest.”

8       **20.**     Days after the deposition, Plaintiff called Joyce to check in on her. Plaintiff  
9       would later learn that the phone call was recorded by Joyce and distributed to 3<sup>rd</sup>  
10      parties unbeknownst to him. Plaintiff learned that this behavior was routine for Joyce  
11      despite being illegal.

12      **21.**     Despite the odd behavior of Jennifer’s mother Joyce, plaintiff became  
13      involved with Jennifer and they dated until June of 2013 when she moved to Seattle  
14      from Los Angeles to be with him. During this period of time, Jennifer communicated  
15      with plaintiff almost exclusively on his 2012 Apple MacBook Pro.

16      **22.**     In June of 2013 when Jennifer and plaintiff moved in together, Jennifer  
17      witnessed first-hand the volume of computer back-ups, embedded devices, and past  
18      computers which plaintiff kept organized and eventually in storage when they moved  
19      to Queen Anne in 2015. Jennifer almost exclusively relied on Joyce for the purchase of  
20      computers and for that matter all financial support.

21      **23.**     Between the summer of 2013 and fall of 2017, none of the defendants were  
22      given authorization to access any of plaintiff’s computers or files without his permission  
23      of which was rarely given only in the event of his hospitalization and even then for the  
24      limited use for paying bills or accessing an online bill pay account. Defendants were

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25      <sup>1</sup> Defendant Joyce Schweickert Motion for Summary Judgement in Schweickert vs.  
26      Schweickert Case No. 11-3-07507-2 SEA, pg. 3 Footnote

1 also aware that unauthorized access to plaintiff's devices would give rise to civil and  
2 possibly criminal liability, because he emailed them several times warning them of  
3 such.

4       24. For example, in October of 2017, Jennifer spent time secretly accessing  
5 plaintiff's computer copying e-mails, taking screenshots of documents and secreting the  
6 files to her e-mail. Plaintiff's computers automatically sent notifications to him of  
7 Jennifer's activity. Plaintiff informed Jennifer that she should ask him for information  
8 instead of snooping surreptitiously.

9       25. Several weeks later, Jennifer complained that she was jealous that plaintiff  
10 had emailed an old female friend and shared his disappointment with her about  
11 Jennifer's ill treatment of him, including the physical and verbal abuse she subjected  
12 him to during the marriage. Jennifer was humiliated, embarrassed, and fearful of how  
13 she was being portrayed and sought to exert more control over plaintiff by imposing  
14 stricter requirements for "medical care." Jennifer would routinely "punish" plaintiff by  
15 taking away his medication and withholding financial support.

16       26. In the interest of caring for his marriage, plaintiff complied, despite  
17 having reservations about her true intentions. It was common for Jennifer to use  
18 medical treatment and ailments to solicit sympathy and attention from Joyce. Jennifer  
19 would also routinely "fire" any medical provider who did not support her "WebMD"  
20 diagnosis of herself. Nonetheless, plaintiff became more and more frustrated that  
21 Jennifer was withholding support from him while also consuming copious amounts of  
22 ketamine and bursting into screaming tirades leading to many domestic violence  
23 attacks against plaintiff. One such outburst culminated in Jennifer's arrest.

1       27. Plaintiff believes that Jennifer's paranoia over plaintiff seeking out  
2 domestic violence counselling fueled her need to "spy" on plaintiff and led eventually  
3 to her partnership with the other defendants to invade plaintiff's computer privacy.

4       28. In addition to Jennifer secretly accessing plaintiff's computer, she created  
5 subterfuges in which to seek further and deeper access to plaintiff's servers such as the  
6 need to change payment information and account authorization.

7       29. One such scheme she employed on November 12, 2017. During plaintiff's  
8 hospitalization, Jennifer emailed him notifying him that "he was not being hacked," but  
9 that she was resetting and trying various passwords to become the Apple family  
10 account organizer. Jennifer knew that plaintiff employed long passwords, two-factor  
11 authentication, and was concerned about hacking by 3<sup>rd</sup> parties as he was previously  
12 victim to such crimes. Jennifer also knew that she was only authorized to change the  
13 Apple family organizer and re-login into the Apple TV devices – but not authorized to  
14 install, copy, collect screenshots, distribute or tamper with any of plaintiff's laptops.  
15 Despite this limited scope of authorization, Jennifer exceeded her authorization and  
16 shortly thereafter, March of 2018, trafficked in his passwords.

17       30. As defendants had earlier threatened, defendants conspired to steal  
18 plaintiff's passwords, computers, embedded devices, and hard drives and provide them  
19 to Jeff to hack into and do what he did with Steve.

20       31. As one of plaintiff's computer servers logged, on March 2, 2018, Jennifer  
21 disconnected plaintiff's 2012 Apple MacBook from the home network and provided the  
22 laptop to Jeff. Jennifer refused to provide plaintiff with his computers between  
23 September of 2017 through March of 2018, depriving him of their uses and access to his  
24 data. In March when Jennifer provided Jeff with plaintiff's dozen servers, laptops, and  
25 embedded computers and over a two dozen hard drives – she knew that her mother  
26



1 had ordered and agreed to pay for the hacking into them for data. Defendants agreed  
2 to create a duplicate copy of all of plaintiff's physical files, confidential information, and  
3 communications. In March of 2018, when Jennifer provided the computers, she also  
4 forwarded emails to Jeff with passwords she had surreptitiously gained from plaintiff  
5 with the previously detailed ruses.

6       32. In order to continue to molest plaintiff's electronics unencumbered, Jeff  
7 threatened plaintiff with a restraining order if he contacted Jennifer – including  
8 informing plaintiff that she could “disparage” him if she wished to 3<sup>rd</sup> parties, which  
9 she was prone to do. Plaintiff was frustrated that he could not access his files,  
10 accounting information, and use of his computers as he was planning to go to school for  
11 computer science and lacked his own laptop to work on. This frustration lasted from  
12 August of 2017 through November 21, 2018 - almost a full year.

13       33. In addition to the 2012 Apple MacBook Pro, each of the other computers  
14 and hard drives were labelled with plaintiff's previous company A DOT Corporation,  
15 with an asset tag, were also password protected, locally encrypted, used for internet  
16 commerce and in all cases contained source code and business documents confidential  
17 to plaintiff, his former companies, and the clients he represented. Any “computer  
18 forensic examiner” would easily recognize by the BIOS, operating system, and state of  
19 the computers that they were not purchased between 2015 through 2018, the period of  
20 time in which plaintiff was involved with defendants.

21       34. Between March of 2018 through October 2018, defendants deprived  
22 plaintiff use of his computers and data. And until November 21, 2018 defendants  
23 deprived plaintiff use of his 2012 Apple MacBook Pro while mining them for emails,  
24 web history, and ostensibly materials used to embarrass, humiliate, and coerce him to  
25  
26

1 giving up his legal rights, use of digital property, and actual property which defendants  
2 retain and have secreted in undisclosed storage facilities under their sole control.

3 35. On October 26, 2018, frustrated with Jeff's repeated false promises of  
4 returning plaintiff's laptop to him, plaintiff filed a motion with King County family law  
5 court seeking among other things, the return of his personal computer, the 2012 Apple  
6 MacBook Pro. In those pleadings, plaintiff reiterated and presented emails from  
7 defendants where he has asked for his computer and defendants had made false  
8 promises after false promises to return them, only to secretly be ordering Does 1-5 to  
9 hack into the computers to "image" them without detection. Ostensibly to traffic in such  
10 information, Joyce ordered and authorized such trespass as she had done so years  
11 before with Steve when computer forensic experts were retained.

#### 12 13 **Plaintiff's Computers**

14 36. On October 19, 2012, plaintiff purchased the 2012 MacBook Pro 15" Retina  
15 (2.7 GHz Intel Core i7 and 16 GB of 1600MHz DDR3 RAM). This was the same laptop  
16 which Jeff would refer to in his November 21, 2018 letter announcing its return, while  
17 pretending not to know if it was the right laptop, stating: "If this is the wrong laptop,  
18 please immediately advise." Defendant later admitted that he imaged the computer,  
19 thereby accessing its serial number, computer date, and user accounts.

20 37. In addition to this laptop, plaintiff had numerous other Internet capable,  
21 interstate commerce enabled computers at his former residence on Queen Anne to  
22 which Jennifer had sole access throughout 2018.

23 38. Defendants continue to deprive plaintiff of the following computers, with  
24 the exception of the first which was returned in November 21, 2018:

- a. 2012 Apple Mac Book Pro 15" (\$3,059.00)<sup>2</sup>
- b. 2014 Apple Mac Book Air 13" (\$1,319.00) (Serial No. C02M50W3FLCG)
- c. iPad Mini (Black) (\$419.00)(Serial No. F4KMC5DVFCM5)
- d. iPad Air 2 (\$449.00)(Serial No. F6QSP00FG5YR, IMEI 35-207107-63679322)
- e. Apple TV 4 (\$169.00)(Serial No. DY3T9M2FG9RM)
- f. Apple TV 4 (\$169.00)(Serial No. C07V6NHRHNM4)
- g. Additional computers which may have been tampered or imaged by defendants include (2) DELL Poweredge 2950, which oddly would not turn on when returned to plaintiff – but had loose hard drives within.
- h. (2) Sony Viao TP and Sony Viao Laptop
- i. 16 250GB 2.5 Hard drives
- j. 10 500GB-5TB Hard drives – additional hiring of forensic computer experts will review these devices for similar treatment of the system log files.

39. In total, over \$15,000 in computer hardware, accessories, were retained by the defendants, depriving plaintiffs of their use and by defendant's own motion to continue dated November 20, 2018 inhibited his ability to respond to request for production in a timely manner causing additional litigation expenses.

### Conspiracy to Commit Fraud

40. Joyce sought to meet with plaintiff in August of 2018 to discuss agreeing to signing a divorce decree and "walk away" from his belongings, property and rights. At the meeting, which occurred on August 4, 2018, Joyce claimed that if plaintiff did not

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<sup>2</sup> Apple Computer Online Refurbished Pricing

1 agree to her demands, she would "spend whatever it takes" to destroy him legally.  
2 Joyce offered plaintiff a "take it or leave it" sum of \$60,000. Defendants at this time had  
3 in their possessions plaintiff's computers, plaintiff's data, plaintiff's passwords, and  
4 were in effect attempting to blackmail plaintiff under the threat of year-long litigation  
5 and humiliation.

6 41. As the months passed, Jeff would remind plaintiff through publication of  
7 his HIPPA protected information in pleadings and e-mails that it would end if plaintiff  
8 would agree to a sum in the "five figures." On October 18, 2018, Jeff e-mailed to  
9 plaintiff, "I told you before that when you get to five figures you have a real chance of  
10 settling."

11 42. Defendants have operated with impunity stealing plaintiff's possessions,  
12 accessing his private confidential information, hacking into his browser, and are  
13 underway accessing his private confidential medical history to force a settlement with  
14 plaintiff and steal from him any rights he may hold, his property, and his dignity.

15 43. In conjunction with Jeff, Joyce orchestrated and ordered the hacking into  
16 plaintiff's computers by ordering Jennifer to do as she told. As Jennifer received her  
17 entire income from Joyce, Jennifer does not argue with Joyce – especially with regards  
18 to legal matters of which Joyce is funding. Joyce was motivated to orchestrate these  
19 hacking and blackmail activities because she enjoys the entertainment of the litigation  
20 and dissemination of plaintiff's private HIPPA information. During the majority of the  
21 marriage Joyce enjoyed retaining the entirety of plaintiff's property in an undisclosed  
22 storage unit, only to have cherry-picked plaintiff's belongings and dumped the rest.

23 44. Plaintiff repeatedly on separate occasions and in writing requested from  
24 Jeff the return of his property, in addition to the computers and data. Jeff responded by  
25  
26



1 claiming that Joyce and Jennifer either disposed of the items, or the items had been  
2 gifted to them by plaintiff – which is a falsehood.

3 45. At the same time Jeff was claiming his clients retain ownership of the  
4 items “gifted” to them, he stated in a November 30, 2018 pleading to the Court that he  
5 had a right to “image” plaintiff’s computers because Joyce and Jennifer actually paid for  
6 them, including the Macbook Pro. In fact, defendants collectively and unilaterally have  
7 stolen what items they wanted of plaintiffs, disposed of other items of personal and  
8 sentimental value to plaintiff, and returned what they have already “imaged,”  
9 “processed,” or installed with spyware.

10 46. Property which has been stolen in addition to the data by the defendants  
11 include:

- 12 a. Vietnamese Kim Thahn gold bullion “bars” or leaves – actual gold  
13 content of 1.205 troy ounce (37.5 grams) – currently on eBay for \$1,149  
14 for a half ounce or \$2,298 total.
- 15 b. Dimond Bike Frame valued at \$5,000
- 16 c. Cannodale Bike frame and bike, including accessories, \$5,000
- 17 d. SmartCar, \$5,000, in plaintiff’s name
- 18 e. Woman in Pink Painting, \$35,000
- 19 f. Hermes Large Format Watch and Orange Band, \$10,000
- 20 g. Snowboard and accessories, \$3,000

21 47. In addition to the physical computers that plaintiff owns, he also licenses  
22 computer software for exclusive use, including accounting program QuickBooks, Apple  
23 Developer Network, iCloud services, and Microsoft Outlook, Microsoft Word,  
24 Microsoft Excel, and GoPro Video editing software bundled with its GoPro cameras.

1       48. All computers, iPads, and devices owned by plaintiffs are connected to the  
2 internet and/or used in interstate commerce.

3       49. Plaintiff's computers are all password protected, locally encrypted, server  
4 encrypted and when connected require server (Apple iCloud) authentication to access.  
5 Jennifer had access to plaintiff's passwords until December of 2017 so that she could  
6 make accounting changes while plaintiff was hospitalized.

7       50. Jennifer had plaintiff's passwords for the sole purpose of accessing  
8 plaintiff's iCloud or laptop computers to update any account information while plaintiff  
9 was hospitalized. Jennifer had no permission to access plaintiff's data, personal emails,  
10 documents, work product, accounting or other business records.

11  
12               **Defendants Admit Hacking and "Imaging" Plaintiff's Computers**

13       51. In the possession of defendants, plaintiff's computers were hacked, its  
14 data copied, and mined for all its information, which Jennifer and Jeff admit to under  
15 penalty of perjury in pleadings.

16       52. Jeff's motivations were laid out in a June 6, 2018 email to Mark:

17       **".. So far you have completely ignored my entreaties to you to agree to a form**  
18 **of property settlement agreement and dissolution decree which should be easy**  
19 **to negotiate.** If your reluctance to engage in that process comes from your  
20 misbelief that the outcome of this is not going to be a decree of dissolution I think  
you are kidding yourself.

21       The best thing you could do to help yourself move along in life is to resolve this  
22 matter on known terms without a trial.

23       If you, in response to this note, treat it like my former notes to you requesting  
24 the same engagement from you, **we will thereafter assume it is necessary to**  
25 **discover the case, take your deposition, and prepare for trial. I think that is a**

1 **complete time and money sink, and for no good reason. But, quite obviously, I**  
2 **can force you to do nothing ...."** (emphasis added)

3 53. Jeff knew full well at this time that he was not going to participate in  
4 discovery, but rather employ the tactics he had successfully used in the previous matter  
5 with Joyce.

6 54. For example, on October 8, 2018 plaintiff e-mailed Jeff and his assistant  
7 Donna the following:

8 **"Jeff, ... as you know as you know, I have withdrawn my permission for**  
9 **Jennifer (or you for that matter) to access my electronic equipment - and as you**  
10 **aware, the computers and drives accessed beyond my permission and with**  
11 **encryption is legally problematic -...but given that this is the 4th time I have**  
12 **requested in writing and you continue to dissemble - I am concerned and will**  
13 **raise this issue with the court."** (Emphasis added)

14 55. Jeff, operating with impunity and above the law responded to Mark with  
15 the following: "It will help if you stop making things up Mark. Jeff"<sup>3</sup>

16 56. On October 18, 2018 plaintiff wrote to Jeff,  
17 "Finally, the following description of items that were not returned to me  
18 presumably because you are rifling through them. However, please provide me  
19 with a date and time when you will be able to deliver these things to me so that I  
20 can avoid the expense of filing another motion/scheduling a hearing. ...  
21 All electronics from hard drives, USB storage drives to laptop and computers."

22 57. On October 19, 2018 plaintiff wrote to Jeff and Ally Nelson  
23 ([aen@tjkeanelaw.com](mailto:aen@tjkeanelaw.com)),

24 "However, what is noticeably missing is my 2012 MacBook Pro which is  
25 remotely encrypted remotely locked, internet connected and notifies me of its

26 <sup>3</sup> October 8<sup>th</sup>, 2018 Email between Phillips and Keane, Purcel Re: Delivery

1 last location as well as the associated computer accessories from my office on  
2 Queen Anne. This laptop and the accompanying hard drives which it backed up  
3 to were specifically monitored for illegal and unauthorized access and logged  
4 such activity for this particular situation. I am demanding its immediate return  
5 as any access to the devices would be further breaches in CFAA 18 U.S.C. Section  
6 1030 ([https://en.wikipedia.org/wiki/Computer\\_Fraud\\_and\\_Abuse\\_Act](https://en.wikipedia.org/wiki/Computer_Fraud_and_Abuse_Act)).

7 Jennifer can share with you when I caught her exceeding her authority on this  
8 laptop and took a screenshot. This is not acceptable behavior in "nofault"  
9 marriage dissolution.<sup>4</sup>

10  
11 58. Defendants at the same time were actively ordering the hacking, installing  
12 of hacking software, and stealing of plaintiff's data as reported by the computer  
13 system's logs (which were not deleted or manipulated by the defendant's tactic of  
14 obfuscating dates, despite their extraordinary efforts). The obfuscation of defendant's  
15 trespass is ironic given Jeff's earlier pleadings regarding Steve's treatment of the nude  
16 Jennifer photographs. Jeff wrote: "[nude photographs of Jennifer] obtained using  
17 forensic experts since they were carefully secreted on Stephen's computer such that a  
18 normal user could not locate them."

19 59. Server logs from plaintiff's computer report that between August 9, 2018  
20 through August 16, 2018, plaintiff's 2012 Apple Mac Book Pro5 was accessed daily,  
21 including being connected to a Thunderbolt drive to copy its hard drive. Defendants  
22 kept the computer on a subnetwork so as to not allow the computer to inform iCloud of  
23 its location, used a local hard drive to boot the computer into recovery mode and  
24 bypass its operating system, despite accessing the operating system using stolen

25 <sup>4</sup> E-mail between Phillips, Keane, Ally Nelson Re: Delivery of Computers

26 <sup>5</sup> Excerpt of 2012 Apple System Logs for August and October "Wake Events"



1 passwords in which defendant's trafficked to gain access to plaintiff's other internet  
2 passwords, banking information, and confidential information.

3 **Defendants Knew Accessing Computers Was Illegal**

4 60. On October 7, 2018, plaintiff sought a court order for the return of his 2012  
5 Apple MacBook Pro, which defendants had continued to deprive him of.

6 61. Server logs demonstrate that defendants had illegally collected data up  
7 until August 2018 having the computer since March of the same year. Unsatisfied and  
8 apparently unfinished defendants needed more time before the upcoming hearing. In  
9 order to accomplish this, defendants sought to have the hearing postponed until the  
10 26th, ostensibly to provide Does 1-5 more time to steal plaintiff's online data by hacking  
11 into his Chrome browser files and decrypting his encryption keys.

12 62. On October 26, 2018, King County Superior Court ordered the return of  
13 the 2012 Apple MacBook Pro, which defendants ignored and incredulously continued  
14 their data theft and fraud by continuing to access and steal information as reported by  
15 the computer's system logs. Despite defendants' efforts to conceal their fraud, theft of  
16 its hard drive files and the installation of hacking software - Tampermonkey, a Chrome  
17 script plugin designed to collect all internet traffic history including internet commerce  
18 related information. Tampermonkey also is capable of continuously running user  
19 scripts undetected and thereby allowing defendant's continual access to plaintiff's  
20 accounting and private, internet information.

21 63. After the laptop's data was fully copied and internet history mined,  
22 defendants went to lengths to conceal their access by resetting the operating system  
23 clock to December 30, 2016 to obfuscate the log files and deleted all previous system  
24 logs evidencing their trespass. In addition, defendants deleted traces of their access to  
25 Internet Chrome and the installation of the hacking software.

1           **64.** Plaintiff's iCloud and built in Apple "theft and lost application" was  
2 thwarted by defendants sophisticated hacking techniques.

3           **65.** The internet browser installation of a Chrome extension TamperMonkey  
4 (<https://tampermonkey.net>) which itself installed a number of "scripts," is designed to  
5 further access all of Chrome's internet history files, including past browsing history,  
6 current browsing history, Facebook passwords, online passwords, medical records,  
7 credit card information, and any information exchanged on the internet. Defendants  
8 and Does 1-5 hacked plaintiff's login Chrome and Google account. Defendants and  
9 Does 1-5 took great care to cover their tracks on the installation and operation of  
10 TamperMonkey scripts.

11           **66.** On November 21, 2018, after almost a month after a court order was  
12 issued to defendants to return plaintiff's property, Jeff delivered just the one 2012 Apple  
13 Macbook Pro.<sup>6</sup>

14           **67.** Upon delivery the 2012 Apple MacBook Pro was noticeably without its  
15 protective case, power supply, and other accessories. Ostensibly, the laptop was  
16 returned without its accessories to delay the discovery of its breach as the power cable  
17 was necessary to acquire before substantial analysis could be conducted.

18           **68.** Not coincidentally, defendants filed a motion in the divorce proceedings to  
19 immediately continue the trial citing that plaintiff had "substantially obstructed  
20 discovery" and that defendants had not been able to acquire any information. Under  
21 penalty of perjury defendant Jeff stated, "Petitioner's [defendants Jennifer and  
22  
23  
24

---

25 <sup>6</sup> November 21, 2018 Letter from defendant Keane to Mark Re: Return of 2012  
26 Apple MacBook Pro

1 ostensibly Joyce] access to information about respondent has been obstructed by  
2 respondent [Mark], to date.<sup>7</sup>

3       69. Defendant's own declaration states that discovery requests were issued to  
4 plaintiff on August 23, 2018. Computer server system log files recorded the laptop was  
5 accessed almost for a week continuously immediately prior. As well as the time of Jeff's  
6 declaration, defendants had recently copied the hard drive and installed spyware on the  
7 returned laptop on October 30, 2018.

8       70. Defendants dissembled to the King County Superior Court regarding their  
9 lack of discovery when having received over 3,800 pages of production, copying over 5  
10 terabytes of stolen data, and employing Chrome browser hacker scripts to capture  
11 internet data – yet, no less than a dozen times pleaded with the court to continue with  
12 subpoenaing plaintiff's medical records.

13       71. Jeff's assistant Donna participated in the fraud by lying about covering up  
14 the efforts of defendants and the Does 1-5. On November 27, 2018, plaintiff wrote to  
15 Donna asking if he could pick up the power supply – as the computer was returned to  
16 him with no dongles, power cords, USB cables, laptop cover, or any of the normal  
17 accessories kept with his computer. Donna responded, "We do not have any other  
18 (Schweickert/Phillips) computer equipment in the office,"<sup>8</sup> despite the fact that the  
19 laptop logged additional equipment used in its operation just 20 minutes before it was  
20 returned to plaintiff.

21       72. On November 21, 2018 (almost a month after the Court order) defendants  
22 returned the laptop along with a letter from Jeff stating, "With this letter we are  
23  
24

---

25 <sup>7</sup> November 20, 2018 Declaration of Keane in support of Petitioner's Motion to  
Continue Trial

26 <sup>8</sup> November 27, 2018 Email between Phillips and Pucel Re: 2012 MacBook

1 providing you with your laptop. If this is the wrong laptop, please immediately  
2 advise.”<sup>9</sup>

3 73. Jeff lied to the court that he had authority to access plaintiff’s computers  
4 because his clients purchased the equipment, when he knew that was demonstrably  
5 false.

6 74. On November 29, 2018, Jeff admitted under sworn testimony that he  
7 illegally accessed plaintiff’s laptop, stating in part, “Various computer hard drives were  
8 imaged by forensic experts we hired in order to preserve what was on the computers, or  
9 to at least preserve what could be imaged”.<sup>10</sup>

10 75. Defendant Jeff then lied to the Superior Court, “There were multiple  
11 Apple computers used by Mr. Phillips during the marriage but none of them were his.”

12 76. Jeff was informed multiple times by plaintiff that his computers were his  
13 prior to the marriage.

#### 14 Plaintiff’s Damages

15 77. Plaintiff has been damaged by having to expend substantial time, money,  
16 and resources to identify the scope of the damage to plaintiff and the extent of  
17 defendants’ (including Does 1-5) fraud, theft and destruction of property. These  
18 damages include hiring computer technicians to assess the damage to plaintiff’s  
19 portable computers, which also includes the costs of investigating the fate of plaintiff’s  
20 larger computers and data in the control of defendants and their cohorts.

21 78. Some of plaintiff’s computers are believed to have been reformatted,  
22 overwritten, imaged and copied, all of which affect the integrity of any data remaining  
23 and effectively destroys much or all of the original data.

24 <sup>9</sup> November 21, 2018 Letter between Keane and Phillips Re: Court Order of  
25 October 26, 2018

26 <sup>10</sup> Petitioner’s Reply Declaration of T. Jeff Keane to his Motion to Continue  
dated November 29, 2018.



1       79. Plaintiff's monetary damages are estimated to exceed \$250,000.

2  
3                               **First Cause of Action**  
4                               **Breach of the Computer Fraud and Abuse Act, 18 U.S.C. §1030**  
5                               **(Against All Defendants)**

6       80. Plaintiff repeats and incorporates by reference each allegation in  
7 paragraphs 1 through 79 as if set forth fully herein.

8       81. All of Plaintiff's computers and computing devices are protected  
9 computers involved in interstate commerce within the meaning of the CFAA.

10       82. By their actions, each and every named Defendant and Does 1-5 acting in  
11 concert with them either directly accessed plaintiff's protected computers or instructed  
12 such computers to be accessed without either plaintiff's knowledge or authorization.

13       83. Defendants, including Does 1-5, have violated the Computer Fraud and  
14 Abuse Act, 18 U.S.C. §1030(a)(2)(C), by intentionally and without authorization  
15 accessing one or more protected computers belonging to plaintiff, and by obtaining  
16 information from such protected computers, including but not limited to confidential  
17 banking and accounting records belonging to plaintiff's former company's clients.

18       84. Defendants, including Does 1-5, have violated the Computer Fraud and  
19 Abuse Act, 18 U.S.C. §1030(a)(4), by knowingly, and with intent to defraud plaintiff,  
20 accessed one or more protected computers belonging to plaintiff without authorization,  
21 and by means of such conduct furthered the intended fraud and obtained one or more  
22 things of value, including but not limited to confidential banking and accounting  
23 records belonging to plaintiff.

24       85. Defendants, including Does 1-5, have violated the Computer Fraud and  
25 Abuse Act, 18 U.S.C. §1030(a)(5)(B), by intentionally accessing one or more protected  
26

1 computers belonging to plaintiff without authorization, and as a result of such conduct,  
2 recklessly caused damage to plaintiff, including but not limited to impairing the  
3 integrity and availability of data and/or information belonging to plaintiff and by  
4 hacking into plaintiff's computers, rendering hard drives inoperable, manipulating the  
5 integrity of the computer system, deleting log files, system clocks, and changing his  
6 passwords without plaintiff's permission.

7       86. Defendants, including Does 1-5, have violated the Computer Fraud and  
8 Abuse Act, 18 U.S.C. §1030(a)(5)(C), by intentionally accessing one or more protected  
9 computers belonging to plaintiff without authorization, and as a result of such conduct,  
10 recklessly caused damage and loss to plaintiff, including but not limited to impairing  
11 the integrity and availability of data and/or information belonging to plaintiff by  
12 hacking into plaintiff's computers and changing its passwords without plaintiff's  
13 permission, and by causing plaintiff to incur damage and loss in the form of costs  
14 associated with expending substantial time, money, and resources to identify the scope  
15 of the damage to plaintiff and the extent of defendants' fraud and theft.

16       87. As a direct and proximate cause of defendants' deliberate misconduct,  
17 plaintiff has suffered damages as alleged above, according to proof at trial, but  
18 exceeding the sum of \$5,000 within the year preceding the filing of this complaint.

19       88. Plaintiff is entitled to a preliminary and a permanent injunction  
20 prohibiting all defendants from accessing any of plaintiff's computers or using  
21 plaintiff's data stolen from its computers, and a mandatory injunction requiring the  
22 return of all plaintiff's data and/or computers in any defendants' possession or in the  
23 possession of any party to whom defendants may have given the data and/or  
24 computers.

**Second Cause of Action  
Trespass to Chattels  
(Against All Defendants)**

89. Plaintiff repeats and incorporates by reference each allegation in paragraphs 1 through 88 as if set forth fully herein.

90. Plaintiff owns and operates valuable chattels, including its computers and computer system, which also includes licensed computer programs such as QuickBooks and Microsoft Office used by Plaintiff and for his previous entities and business and for himself personally.

91. By their acts described above, Defendants Joyce Schweickert, Jennifer Schweickert, T. Jeff Keane, Keane Law Firm, Does 1-5 have trespassed plaintiff's computer system, without justification or authorization by plaintiff, and thereby interfered with plaintiff's right to possess and operate its chattels during the time period when the computers were wrongfully accessed.

92. Defendants Joyce Schweickert, Jennifer Schweickert, T. Jeff Keane, Keane Law Firm, and Does 1-5 have, after hacking into plaintiff's computers and computing devices, changed its passwords or ordered that its passwords be changed without plaintiff's permission, deleting its log files, changing its system time, thereby substantially interfering with plaintiff's right to enjoy its chattels without interference.

93. As a proximate cause of Joyce Schweickert, Jennifer Schweickert, T. Jeff Keane, Keane Law Firm, and Does 1-5 wrongful, intentional and fraudulent conduct, plaintiff has suffered damages as alleged above according to proof at trial.

94. Plaintiff is entitled to a preliminary and a permanent injunction prohibiting defendants Joyce Schweickert, Jennifer Schweickert, T. Jeff Keane, Keane

1 Law Firm and Does 1-5, from using, interfering or intermeddling with plaintiff's  
2 computers and/or its computer data.

3  
4 **Third Cause of Action**  
5 **Conversion**  
6 **(Against All Defendants)**

7 95. Plaintiff repeats and incorporates by reference each allegation in  
8 paragraphs 1 through 94 as if set forth fully herein.

9 96. Defendants Joyce Schweickert, Jennifer Schweickert, T. Jeff Keane, Keane  
10 Law Firm and Does 1-5 have willfully interfered with plaintiff's computers, taking  
11 possession of certain plaintiff's computers at different points in time from 2017 through  
12 the winter of 2018. These defendants' possession of plaintiff's computers was to the  
13 exclusion of plaintiff and prevented plaintiff from any use or enjoyment of the  
14 computers during the time that defendants possessed them.

15 97. As a proximate cause of defendants Joyce Schweickert, Jennifer  
16 Schweickert, T. Jeff Keane, Keane Law Firm and Does 1-5s' wrongful, intentional and  
17 fraudulent conduct, plaintiff has suffered damages as alleged above according to proof  
18 at trial.

19 **PRAYER FOR RELIEF**

20  
21 98. WHEREFORE, plaintiff Mark Phillips prays for judgment against  
22 defendants, jointly and severally, as follows:

23 99. For actual and consequential damages in an amount to be determined at  
24 trial, but believed at this time to exceed \$250,000;



102. For a mandatory injunction requiring all persons in possession of data stolen from plaintiff to return such to plaintiff immediately and certify that they have kept no copy or forwarded it to others;

**104.** For attorney's fees to the extent permitted by law;

**106. Such other and further relief as this Court deems just.**

Under Fed.R.Civ.P. 38(b), Plaintiff demands jury trial of all issues raised by the Complaint.

By:

## Complaint— 25

288 106<sup>TH</sup> AVENUE N.E. STE. 1501  
BELLEVUE WA 98004  
MARK.PHILLIPS@GMAIL.COM  
206.607.9415

**Exhibit 4**

**Email Between Mark Phillips and Ally Nelson and Jeff Keane dated October 19, 2018  
Re: Delivery of Computers**

**Exhibit 6**

**Accompanying Letter by Jeff Keane dated November 21<sup>st</sup>, 2018 Regarding Court Order  
of October 26<sup>th</sup>, 2018 Return of Phillips' 2012 Apple MacBook Pro**

**Exhibit 9**

**Health Related Information Has been Redacted, Defendant Attorney T. Jeffrey Keane's  
Admission to Hacking a Theft of Data Under Penalty of Perjury.**



Mark Phillips &lt;mark.phillips@gmail.com&gt;

---

**FYI: Delivery of Computers**

2 messages

---

**Ally Nelson** <aen@tjkeanelaw.com>  
To: Mark Phillips <mark.phillips@gmail.com>  
Cc: Jeff Keane <tjk@tjkeanelaw.com>

Fri, Oct 19, 2018 at 10:31 AM

Mark,

I'm writing to let you know that Fleetfoot Messenger Service has picked up the computers and computer related gear belonging to you from our office this morning, and will be delivering it to Reed Yurchak's office by 2pm this afternoon. I called Mr. Yurchak's office when I scheduled the delivery and confirmed that someone would be available to receive it during the delivery window today. We also sent a receipt with the messenger which details the items being delivered (there are two copies of the receipt—one which will be signed and returned to us, and one for your records).

Thanks,

Ally E. Nelson  
Legal Assistant

**KEANE LAW OFFICES**

100 NE Northlake Way, Suite 200  
Seattle, WA 98105  
(direct) 206-438-3725  
(fax) 206-632-2540

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**Mark Phillips** <mark.phillips@gmail.com>  
To: Ally Nelson <aen@tjkeanelaw.com>  
Cc: Jeff Keane <tjk@tjkeanelaw.com>

Fri, Oct 19, 2018 at 12:39 PM

Jeff,

Thank you for returning some of my older computers. However, what is noticeably missing is my 2015 MacBook Pro which is remotely encrypted - remotely locked, internet connected and notifies me of its last location - as well as the associated computer accessories from the my office on Queen Anne. This laptop and the accompanying hard drives which it backed up to were specifically monitored for illegal and unauthorized access and logged such activity for this particular situation. I am demanding its immediate return as any access to the devices would be further breaches in CFAA 18 U.S.C. Section 1030 ([https://en.wikipedia.org/wiki/Computer\\_Fraud\\_and\\_Abuse\\_Act](https://en.wikipedia.org/wiki/Computer_Fraud_and_Abuse_Act)).

Jennifer can share with you when I caught her exceeding her authority on this laptop and took a screenshot. This is not acceptable behavior in "no-fault" marriage dissolution.

Mark  
[Quoted text hidden]

## KEANE LAW OFFICES

100 NE NORTHLAKE WAY, SUITE 200  
SEATTLE, WASHINGTON 98105

(206) 438-3737 FACSIMILE (206) 632-2540

*T. Jeffrey Keane*  
DIRECT: (206) 438-3735  
EMAIL: [tjk@tjkeanelaw.com](mailto:tjk@tjkeanelaw.com)

November. 21, 2018

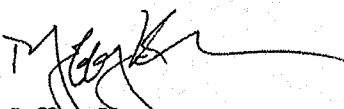
Mr. Mark Phillips  
c/o Reed Yurchak  
1215 120th Avenue NE, Suite 110  
Bellevue, WA 98005

RE: Court Order of October 26, 2018

Dear Mark:

With this letter we are providing you with your laptop. If this is the wrong laptop, please immediately advise.

Very truly yours,



T. Jeffrey Keane

enclosure



The Hon. Regina Cahan  
Noted: November 30, 2018  
Without Oral Argument

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

In Re the Marriage of:

JENNIFER P. SCHWEICKERT,

Petitioner,

vs.

MARK EDWARD PHILLIPS,

Respondent.

No. 18-3-01411-9 SEA

**REPLY DECLARATION OF T.  
JEFFREY KEANE IN  
SUPPORT OF PETITIONER'S  
MOTION TO CONTINUE  
TRIAL DATE**

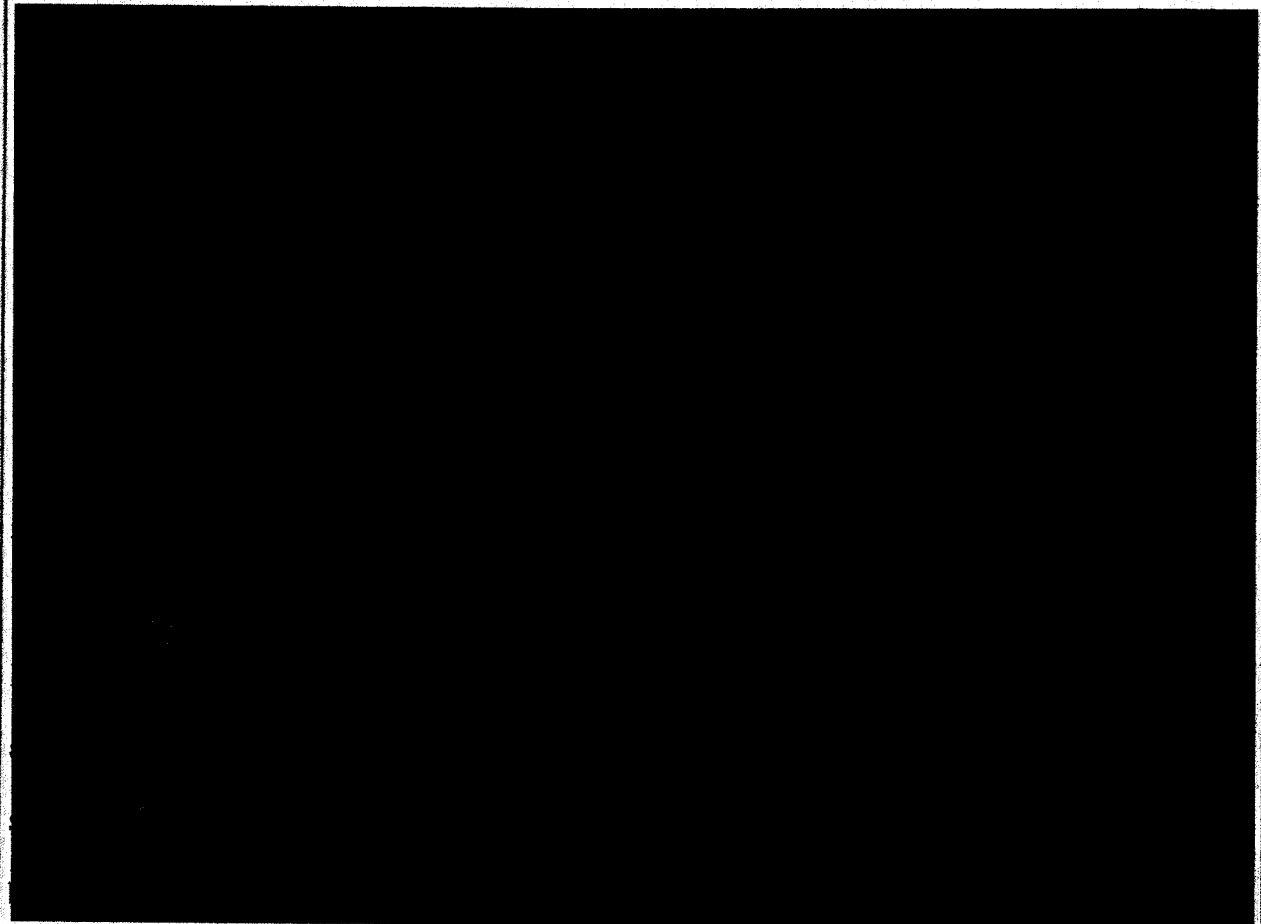
T. Jeffrey Keane, being first duly sworn upon oath, under penalty of perjury hereby  
deposes and says:

1. I am over the age of majority, am competent to testify herein, and have  
personal knowledge of the matters stated;

2. I have reviewed the opposition to the motion and note three themes from  
respondent, which this response addresses in turn:

a. Discovery is already 'substantially complete;'

b. Petitioner has already subpoenaed (and, presumably, obtained) all relevant  
materials relating to respondent;



**C. Petitioner Accessed My Computer**

17. One must use care when addressing what Mr. Phillips claims is 'his.' He entered the marriage with no money and few possessions and, thus, anything purchased was purchased by petitioner. Further, when Mr. Phillips left petitioner's home in August, 2017, he left with an Apple computer, according to petitioner. There were multiple Apple computers used by Mr. Phillips during the marriage but none of them were his. Various computer hard drives were imaged by forensic experts we hired in order to preserve what was on the computers, or to at least preserve what could be imaged;

18. Mr. Phillips's entire declaration in opposition to the motion concerns his unhappiness about this imaging. There is nothing nefarious or sinister about the preservation of the information which was on our client's computer prior to the time it was surrendered to

1 Mr. Phillips. Nor does the existence of an imaged hard drive justify respondent's efforts to  
2 obstruct and frustrate what could be relatively routine discovery in a short term marriage  
3 dissolution case;

4 **D. Respondent's Claimed University Enrollment**

5 19. Finally, Mr. Phillips claims that a delay in the trial date will hamper his efforts  
6 to begin, at age 44, university training in New Zealand. Notably, nothing provided by  
7 respondent proves he: a) has applied for admission to university; b) is eligible for admission  
8 to university; c) is required by some external force to start university in February, 2019 (in  
9 this regard it should be noted that respondent has not worked since 2010 so his desire to return  
10 to school has been long in gestation) as opposed to some other date, and; d) has arranged a  
11 method of financing study outside the United States;

12 20. As with many claims by Mr. Phillips, care should be taken to examine what,  
13 exactly, he provides to support what he says. He actually gave this Court nothing which  
14 supports the argument that a trial continuance will frustrate this new claimed educational  
15 undertaking;

16 21. Finally, as described above, much of the delay in accessing discoverable  
17 material has resulted from respondent actively impeding, or passively not facilitating, the  
18 discovery process. Everything now sought could have been obtained already but for the  
19 resistance from respondent. To both complain about a trial date delay and act in a manner  
20 which slows routine discovery processes should be seen for what it is;

21 **CONCLUSION**

22 22. Respondent has basically produced nothing in discovery while contending  
23 otherwise. His full cooperation with prior efforts to obtain discovery would have put this case  
24  
25

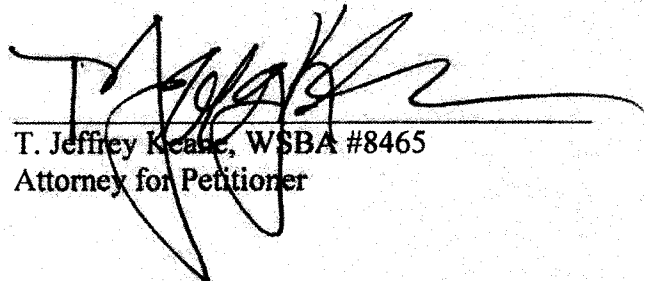
1 in a completely different posture. Instead petitioner is left to dig out of third parties the very  
2 information which respondent has possessed at all times dating back to the start of the  
3 marriage. There is no great need to pillory or criticize these tactics---they are common to lots  
4 of litigated matters;

5 23. But this approach does set back the efficiency one strives to obtain in  
6 discovery efforts. Petitioner's request for a trial date change is modest, and tailored to the  
7 need to gather what is described above in order to prepare for trial;

8 24. Petitioner respectfully requests that the Court grant the motion and delay trial  
9 by 90 days.  
10

11 I SWEAR UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE  
12 UNITED STATES OF AMERICA AND THE STATE OF WASHINGTON THAT THE  
13 ABOVE AND FOREGOING IS TRUE AND CORRECT.

14 Signed at Seattle, Washington this 29<sup>th</sup> day of November, 2018.

15  
16   
17 T. Jeffrey Keane, WSBA #8465  
18 Attorney for Petitioner  
19  
20  
21  
22  
23  
24  
25